

## **BYLAWS OF THE HISTORIC PRESERVATION COMMISSION**

Approved unanimously September 11, 1997 by the Commission

Approved amendment unanimously November 18, 1998 after amendment initiated October 28, 1999

Approved amendment unanimously May 11, 2000 after amendment initiated April 20, 2000

### **I. ORGANIZATION**

A. Elections

The Commission shall, in regular session following the first day of January of every year, elect from its members, a Chairperson and a Vice-Chairperson. The term of office shall be for one (1) year or until their successors are elected.

B. Chairperson

The Chairperson shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, make periodic progress reports to City Council, and perform any duties required by ordinance or these rules.

C. Vice-Chairperson

The Vice-Chairperson shall be the Acting Chairperson and shall perform all duties of the office whenever the Chairperson is absent or has declared a Conflict of Interest.

D. Vacancy

Should the office of the Chairperson be vacated, the Vice-Chairperson will succeed him/her for the remaining term of office. At the next Commission meeting, a new election will be held for the Vice-Chairperson's office. Should the Vice-Chairperson's office be vacated, a new election will be held at the next Commission meeting to elect a Vice-Chairperson.

E. Committees

The Commission or its Chairperson may appoint such committees as it feels necessary on any subject pertinent to the matters being considered by the Commission. The Chairperson shall select a committee Chairperson to be responsible for presiding over all meetings, setting the agenda and meeting dates, and making reports back to the Commission. The tasks to be accomplished by a committee will be established by the Chairperson in conjunction with the Commission. The members of any committee shall not necessarily be restricted to members of the Commission or to Scottsdale residents. A list of committee members will be submitted to City Council. City Council may accept the membership list, remove members, or appoint additional members.

F. Written Communications

All written communications to City Council and other official bodies, individuals, and outside groups shall be sent out over the signature of the Chairperson if the Chairperson is not available, the Vice-Chairperson of the Commission, or the Preservation Director, Historic Preservation Officer or designee.

G. Public Representations, Presentations and Communications

When public comment on a topic discussed and/or voted upon by the Commission is needed, the Chairperson is the designated spokesperson for the Commission. Requests for information on the activities of the Commission will be forwarded to the Chairperson whenever possible. If the Chairperson is not available for an oral presentation or report to City Council or other official body, the Vice-Chairperson will be the spokesperson for the

Commission to make the oral presentation. If a Commissioner publicly misrepresents a position the Commission has taken or identifies themselves as a spokesman for the Commission when they are only speaking as an individual, the conduct of the Commissioner will be reviewed by the Chairperson. The Preservation Director, Historic Preservation Officer or designee may speak on behalf of the City of Scottsdale's interest on a particular matter.

H. Legal Counsel

The City Attorney or his/her designated representative shall be the legal counsel for the Commission. The advice of counsel shall be sought before disposition of any question of law or matter requiring legal interpretation or advice. Advice of counsel received during a meeting shall be entered into the minutes.

## II. MEETINGS

A. Regular Meetings

Regular meetings of the Commission shall be held on the second Thursday of each month at 5:00 PM. Each regular meeting requires posting at least twenty-four (24) hours prior to the scheduled meeting at all the legal posting sites in the city of Scottsdale as determined by the City Council. In the event the Commission desires to cancel a future meeting, it may do so by a majority vote at a public meeting. When it is determined between public meetings that a meeting should be canceled for lack of quorum or other reason, the Commission may so cancel by posting notification of cancellation at least 24 hours prior to the scheduled meeting at all the legal posting sites in the city of Scottsdale as determined by the City Council.

B. Special Meetings and Executive Sessions

Special meetings may be held by the Commission on call of its Chairperson, or of a majority of its members as polled by City staff, or as scheduled by a majority of the members at any previous meeting. In general, Commission meetings involving public hearing items should be held as special meetings on the fourth Thursday of the month, as needed. At least twenty-four (24) hours notice of the meeting shall be given to each member. The City staff shall receive forty-eight (48) hours notice and shall post meeting notices twenty-four (24) hours before such meeting. Executive Sessions, when needed, will be held during the regular meeting or at a special meeting and will be scheduled through a motion and vote by the Commission at a prior meeting.

C. Quorum

A quorum necessary for the transaction of business shall consist of four (4) members of the Commission. The business of the Commission shall be transacted by the majority vote of members present, except as provided through any amendments in accordance with Section IV.

A.

D. Location of Meetings

The location of meetings of the Historic Preservation Commission shall be in the location as designated by the Chairperson, and posted as provided by law.

E. Member Attendance

If any member of the Commission shall be absent from four (4) consecutive meetings, or if a Commission member shall be absent from five (5) meetings within a six-month period, his/her office shall be reviewed by the Chairperson. The Chairperson may recommend to City Council that a member with several absences is removed and a new member is appointed by City Council. The Chairperson or Preservation Director shall notify the City Council if any vacancies occur. The City Council will appoint a new member as the replacement.

F. Robert's Rule of Order

When any question of parliamentary procedure arises, it shall be decided on the basis of Robert's Rules of Parliamentary Procedure, unless otherwise specified in these Rules of the Commission.

G. Public Comment. Presentations. Time Limitations

Any member of the public, whether speaking on behalf of him/herself or as a representative of a property owner, an organization or group, when addressing the Commission on any matter shall be limited to a five (5) minute presentation. The Chairperson may suspend this rule on a particular matter or for a particular individual.

H. Meeting Agendas

The Chairperson will select items for the meeting agenda with assistance from City staff. If a Commissioner, a landowner, an organization or other interested citizen would like an item placed on the next meeting's agenda, they should make a request at a Commission meeting that an item be placed on a future Commission meeting agenda for consideration, or notify the Chairperson at least seven (7) days preceding the Commission meeting.

I. Commissioner Conduct

A written code of conduct or ethics is not considered necessary for members of the Commission. Commissioners are expected to treat each other, staff and citizens with respect and civility in public meetings. Appropriate conduct includes following the Bylaws of the Commission. The Chairperson, after soliciting input from the Commission, shall notify the City Council if a Commissioner engages in behavior considered to be inappropriate by the Chairperson and may recommend to City Council that the Commissioner be replaced.

J. Conduct by the Public

Citizens are expected to treat each other, staff and citizens with respect and civility in public meetings and to follow the instructions of the Commission Chairperson or committee Chairperson in public meetings. Inappropriate conduct by a citizen, as determined by the Chairperson, may result in a citizen being asked to leave a meeting or, if necessary, to be removed from the meeting.

### III. OFFICIAL RECORDS

A. Definitions

The official records shall include these rules and regulations, and the minutes of the Commission together with all findings, applications, maps, photos, exhibits, correspondence, decisions, and other official actions or other items filed with or issued by the Commission.

B. Recording of Vote

Minutes shall be kept for all meetings of the Commission and shall show the vote of each member on every question on which the Commission is required to act, or shall indicate absence or failure to vote. Minutes shall also show records of the Commission's examinations, remarks at public hearings, and other official actions. It shall be recorded in the minutes when a Commissioner declares a conflict of interest and does not participate in the discussion or vote on an agenda item. The Commission will review and approve minutes of the previous meeting at the regular meeting.

C. Public Record

All of the official records of the Commission shall be public records open to public inspection during normal working hours.

#### IV. RULES AND AMENDMENTS

A. Bylaws Amendment Procedure

Amendments to these bylaws may be made by the Commission upon the affirmative vote of four (4) members, provided any such amendment is proposed at a preceding meeting, or is submitted in writing at a prior regular meeting of the Commission, and is noted in the minutes of such meeting. The Commission shall review the previously submitted amendments at the regular meeting. Amendments adopted as above shall become effective upon adoption unless otherwise stipulated.

B. Distribution

A copy of these bylaws and any amendments thereto shall be placed on record in the offices of the City Clerk within ten (10) days of being adopted by the Commission, and shall further be sent to the Mayor and the members of the City Council within twelve (12) days.

C. Interpretation and Conflict

In the event that any Historic Preservation Commission bylaw shall be at variance with any State statute or any ordinance or resolution of the City of Scottsdale, the statute, ordinance, or resolution shall prevail. These bylaws are intended only to supplement such ordinance and resolutions and may not amend, annul, or abrogate any ordinance or resolution of the City of Scottsdale.